

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Reynaldo CRUZ-Gonzalez,

Defendant(s)

Magistrate Case No.

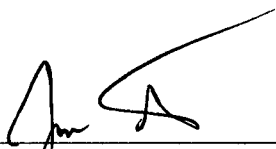
COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)
Bringing in Illegal Aliens Without
Presentation

The undersigned complainant, being duly sworn, states:

On or about **March 3, 2008**, within the Southern District of California, defendant **Reynaldo CRUZ-Gonzalez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **FNU LNU**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **18th** DAY OF **March**,
2008


Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Reynaldo CRUZ-Gonzalez****PROBABLE CAUSE STATEMENT**

Furthermore, the complainant states that **FNU LNU**, is a citizen of a country other than the United States; that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144G.

On March 3, 2008 the U.S. Border Patrol's Special Response Team (SRT) executed a search and arrest warrant at a residence on East 2nd Street in National City, California. Border Patrol Agents assigned to the San Diego Sector Smuggling Interdiction Group (SIG) had previously conducted surveillance of the residence and had established probable cause to apply for and receive a search warrant for violation of 8 USC 1324 Alien Smuggling.

At approximately 7:15 a.m., the agents arrived at the residence. Agents announced their presence and purpose and demanded entry. After a short delay, agents believed that there were people inside the residence and determined that they were not being granted entry. Agents then breached the door and entered the residence. In the immediate area was the main living room and there were multiple blankets on the floor. Agents secured the area and all of the individuals, including the resident of the house Francisco DEL TORO, who was found hiding. One individual, identified as defendant **Reynaldo CRUZ-Gonzalez** was encountered attempting to flee the residence through the rear. The agents proceeded to separate the defendant from the others. Agent B. Desrosiers spoke with each subject and questioned them as to their citizenship and immigration status.

Multiple individuals including the defendant, and material witnesses **Felipe BARBA-Gonzalez** and **Manuel LEYVA-Romero** were determined to be citizens and nationals of Mexico illegally present in the United States.

STATEMENT OF DEFENDANT REYNALDO CRUZ-GONZALEZ

The defendant was read rights as per the Miranda Warning. The defendant understood his rights and agreed to be interviewed without representation. He stated that he was a citizen and national of Mexico without immigration documents. He has been working for a man he knew as "Tortillas." CRUZ stated he has successfully smuggled aliens on two prior occasions, each time receiving a payment of \$300.00 US. In all three smuggling events, CRUZ stated he brought the aliens to "Paco's" house. In regards to his most recent smuggling event, CRUZ stated he went to a house in Tijuana where another male named "Tortillitas" is a caretaker. There, "Tortillitas" loaded four illegal aliens into the trunk of a Chevrolet Malibu. CRUZ stated that another female smuggler he knew as "Guera" was there also and had several other illegal aliens loaded into the trunk of another vehicle. "Tortillitas" guided them to the border where he instructed them to enter the United States in a specific lane. From there, CRUZ stated he presented an impostor document to the Inspector and was allowed to enter the United States. CRUZ then transported the illegal aliens to "Paco's" house. When asked about the aliens he smuggled during the night before he was arrested, CRUZ stated all five of the individuals were transported out by other drivers and delivered to other people. CRUZ also admitted he has previously worked as an alien smuggler foot guide in the Yuma, Arizona area.

DSK

CONTINUATION OF COMPLAINT:

Reynaldo CRUZ-Gonzalez

MATERIAL WITNESS STATEMENT:

Material witness **Manuel LEYVA-Romero** admitted in summary that he is a citizen and national of Mexico illegally present in the United States. LEYVA stated that they made arrangements in Mexico to be smuggled to the United States for a fee \$3,500.00 US. The smuggler explained to them that they would be smuggled into the United States hidden in the trunk of a car. LEYVA stated that he was taken to an unknown house in Tijuana, Mexico where several other individuals were waiting to be smuggled. LEYVA also stated that he was loaded into the trunk of a white or gray sedan with four other people. They were smuggled across the international border and taken to a house where they were later arrested by the Border Patrol. LEYVA stated a second load vehicle driven by pelon arrived at the house with several more undocumented aliens.

LEYVA was presented with a set of Polaroid photographs depicting the individuals arrested in the load house. He was able to positively identify the defendant Reynaldo CRUZ-Gonzalez as the driver of the second vehicle. LEYVA further stated he knew CRUZ as "Pelon." LEYVA stated he knew the nickname "Pelon" because he had heard the driver of his car (smuggling event) conversing earlier at the house in Mexico with the subject he knew as "Pelon."